

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
PROGRESSIVE HOSPITAL OF)	CASE NO. 09-24666 JPK
MERRILLVILLE, LLC; PROGRESSIVE)	Chapter 11
HEALTHCARE, LLC; PROGRESSIVE)	
HOSPITAL OF FORT WAYNE, LLC; and)	(Jointly Administered)
PROGRESSIVE HOSPITAL OF)	
MAHONING VALLEY, LLC,)	
)	
Debtors.)	

ORDER REGARDING APPLICATION OF DEBTOR-IN-
POSSESSION TO RETAIN DAVID E. JOSE AND C. DANIEL
MOTSINGER AND THE LAW FIRM OF KRIEG DEVAULT, LLP
AS SPECIAL COUNSEL FOR ESSENTIAL HEALTH CARE AND
BANKRUPTCY RELATED MATTERS ("APPLICATION")

The Application was filed on November 3, 2009 as record entry #29 in case number 09-24669. The Application was accompanied by an exhibit "A", which is an affidavit of disinterestedness of David E. Jose. Although the Application requests the appointment of C. Daniel Motsinger as special counsel as well as Attorney Jose, no affidavit was filed by Attorney Motsinger. Additionally, the Application was not accompanied by a proposed form of order, as required by N.D.Ind.L.B.R. B-9013-1(c).

Proper notice of the Application was provided to necessary parties, and there was no objection or request for hearing with respect to the Application. The court therefore determines that the Application is grantable as to Attorney David E. Jose. The court further finds that the debt of \$3,805.00 referred to in paragraph 5 of the affidavit of David E. Jose is waived, as proposed by that affidavit.

IT IS ORDERED that the Application will be approved as to Attorney David E. Jose upon the debtor's submission of an appropriate form of order, including waiver of the \$3805.00

debt/claim.¹

Dated at Hammond, Indiana on December 15, 2009.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtor, Attorney for Debtor
US Trustee, Attorneys of Record

¹ Individual attorneys – not law firms – may be appointed as counsel. Attorney Motsinger may be appointable upon review of a properly submitted application for his employment.